

JAN 28 1994

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)	MM Docket No. <u>93-302</u>
)	
VICTORY CHRISTIAN CENTER, INC.)	File No. BPH-920326MA
)	
INTERMART BROADCASTING OF)	File No. BPH-920326MB
NORTH CAROLINA, INC.)	
)	
TODD P. ROBINSON)	File No. BPH-920326MI
)	
SATURDAY COMMUNICATIONS)	File No. BPH-920326ML
LIMITED PARTNERSHIP)	
)	
For Construction Permit for)	
a New FM Station on)	
Channel 224A in)	
Harrisburg, North Carolina)	

To: Administrative Law Judge
Richard L. Sippel

**MASS MEDIA BUREAU'S CONSOLIDATED COMMENTS ON
JOINT REQUEST FOR APPROVAL OF AGREEMENT,
PETITION FOR LEAVE TO AMEND AND AMENDMENT, AND
MOTION TO DELETE ISSUE**

1. On January 6, 1994, Victory Christian Center, Inc. ("VCC"), Intermart Broadcasting of North Carolina, Inc. ("Intermart"), Todd P. Robinson ("Robinson"), and Saturday Communications Limited Partnership ("SCLP") filed a joint request for approval of agreement. Also, on January 6, 1994, Intermart filed a petition for leave to amend and a motion to delete issue. On January 26, 1994, VCC filed a supplement to the joint request. The Mass Media Bureau submits the following consolidated comments.

2. The proposed settlement agreement contemplates: the

No. of Copies rec'd
List ABCDE

OJF

dismissal of the applications of VCC, Robinson, and SCLP in exchange for monetary payments not to exceed \$15,000 and \$20,000, respectively, to VCC and SCLP; and the grant of Intermart's application, as amended. Intermart proposes to amend its application by giving 50% of its voting stock to Robinson. Thus, Intermart's former sole shareholder, James E. Martin, Jr., and Robinson will each hold a 50% voting interest in Intermart. Midamerica's amendment also includes an environmental assessment.


3. Review of the settlement agreement, including the declarations of the applicants' respective principals, shows that the applicants have complied with the requirements of Section 73.3525 of the Commission's Rules, which implement Section 311(c)(3) of the Communications Act of 1934, as amended. The applicants show that their applications were not filed for an improper purpose; that, except as noted,¹ the amounts proposed to be paid VCC and SCLP do not exceed their legitimate and prudent expenses; that the proposed merger between Intermart and Robinson is bona fide; and that approval of the joint request will serve the public interest by expediting provision of a new service. See Settlement Agreements, 6 FCC Rcd 85 (1990), modified, 6 FCC

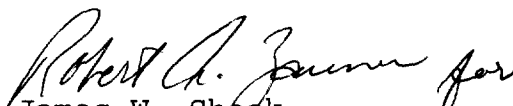
¹ The settlement agreement provides that VCC is to be paid \$15,000, while SCLP is to be paid \$20,000 for their legitimate and prudent expenses. VCC's expenses total \$18,816.54, while SCLP's expenses total \$24,926.93. Included in those totals is the hearing fee of \$6,760. Both VCC and SCLP intend to seek a refund of that fee. In the event both applicants obtain such a refund, the amounts to which they would be entitled would be reduced by \$6,760, or \$12,056.54 for VCC and \$18,166.93 for SCLP.

Rcd 2901, 2902 (1991); Venton Corporation, 90 FCC 2d 307 (1982).
With respect to the motion to delete, the Bureau will advise the
Presiding Judge as to the efficacy of Intermart's environmental
assessment upon completion of its review of that assessment.

4. Accordingly, the Bureau supports grant of the joint
request and petition for leave to amend; dismissal of the
applications of VCC, Robinson, and SCLP; grant of Intermart's
application, as amended; and termination of this proceeding. The
motion to delete should not be granted unless and until the
Bureau determines that Intermart's environmental assessment is
adequate.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau


Charles E. Dziedzic
Chief, Hearing Branch


James W. Shook
Attorney
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W.
Suite 7212
Washington, D.C. 20554
(202) 632-6402

January 28, 1994

CERTIFICATE OF SERVICE

Michelle C. Mebane, secretary of the Hearing Branch, Mass Media Bureau, certifies that she has on this 28th day of January, 1994, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Consolidated Comments on Joint Request for Approval of Agreement, Petition for Leave to Amend and Amendment, and Motion to Delete Issue"** to:

John E. Fiorini, III, Esq.
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036

A. Wray Fitch, III, Esq.
Gammon & Grange
Seventh Floor
8280 Greensboro Drive
McLean, Virginia 22102-3807

David E. Honig, Esq.
3636 16th Street, N.W.
Suite B863
Washington, D.C. 20036


Michelle C. Mebane